

By Michael Kenyan-EPA
Ass. T. Lynd
ATTORNEY/CLIENT PRIVILEGE
ATTORNEY WORK PRODUCT
ENFORCEMENT SENSITIVE
Council
3/7/88

DAVIS PRP LIST
STATUS



SDMS DocID

278687

1. Acme Cesspool

Address: Acme Cesspool of Rhode Island
c/o Irving J. Blinkhorn
Al Services of Florida, Inc.
Rt. 2, Box 355
Moss Bluff, Oklawaha, FL 32679

Events: Acme has not been noticed or contacted by EPA.

EPA Evidence: Acme Services was a company run by Jimmy Blinkhorn. According to the testimony of Robert Cece and Michael Macera, Acme had a contract with Pratt & Whitney to dispose of waste. Blinkhorn asked Cece and Macera if they could help arrange the dumping of some waxes from Pratt & Whitney at the Davis Liquid site. They made the arrangements and the wax was dumped at the site. (See depositions of Robert Cece and Michael Macera, both dated September 13, 1983.)

2. Allied Corporation

Address: David P. Cooke
Senior Attorney
Allied Corporation
P.O. Box 2245R
Morristown, NJ 07960-2245

Events: 11/6/85--Notice letter sent.
11/25/85--EPA sent letter notifying Allied of PRP meeting.
12/4/85--Allied attended PRP meeting.
1/31/86--Info Request sent.
3/26/86--Allied submitted Affidavit by Edward Shields denying any connection to site.
4/17/86--Allied submitted Affidavit by David S. Tarnowski denying any connection to site.

EPA Evidence: EPA observed company name on drum label found on site. The label on drum also stated "Methylene Chloride". The photoionization detection test (HNU Air Monitoring) done in the air directly above the drum showed 40 ppm volatile organic compounds.

3. American Hoechst (d/b/a Industrial Chemicals)

Address: Lorelei Joy Borland, Esq.
Attorney for Industrial Chemicals (American
Hoechst Corporation)
Morgan, Melhuish, Monaghan, Arvidson, Abrutyn &
Lisowski
651 W. Mt. Pleasant Avenue
Livingston, NJ 07039-1673

and

American Hoechst (d/b/a Industrial Chemicals)
129 Quidneck Street
Coventry, RI 02180

Events: 11/6/85--Notice letter sent.
11/18/85--AH sent letter denying any connection to
the site.
11/25/85--EPA sent letter notifying AH of PRP
meeting.
12/4/85--AH attended PRP meeting.
1/31/86--Info Request sent.
2/26/86--AH responded to Info Request, denying any
connection to the site.

EPA Evidence: William Davis, Sr., in a response to EPA's
notice letter, stated that wastes generated by AH were disposed
of at the site. Davis gave no specifics re: volume or type of
waste. Davis also states in his 12/14/83 deposition that he
remembers seeing AH barrels at the site.

4. Astro Chemicals, Inc.

Address: Donald E. Garceau
Astro Chemicals, Inc.
64-70 Shaw's Lane
Springfield, MA 01101

Events: 11/6/85--Notice letter sent.
11/22/85--Astro sent letter denying any connection
to the site.
11/25/85--EPA sent letter notifying Astro of PRP
meeting.
12/4/85--Astro attended meeting.
1/31/86--Info Request sent. [There is no response
to this Request in the file.]

EPA Evidence: William Davis, Sr., in a response to EPA's notice letter, stated that wastes generated by Astro were disposed of at the site. Davis gave no specifics re: volume or type of waste. In addition, EPA found four drums at the site which were labeled "Astro/PMC 9013/Perchloroethylene." Perchloroethylene is a hazardous waste which was found at the Site. The photoionization detection tests done on the drums showed amounts of volatile organic compounds in the air above the drums ranging in amount from 50 ppm to 400 ppm. One of the drums, designated Drum ID # 007, was analyzed and found to contain 87% tetrachloroethylene and smaller amounts of methylene chloride, 1,1-dichloroethane, trans-1,2-dichloroethylene, 1,1,1-trichloroethylene, trichloroethylene, cis-1,3-dichloroethylene.

5. Brown University

Address: Beverly E. Ledbetter
General Counsel
Brown University
103 University Hall
Providence, RI 02912-1913

Events: 11/6/85--Notice letter sent.
11/20/85--Brown sent letter denying any connection to the site.
11/25/85--EPA sent letter notifying Brown of PRP meeting.
12/4/85--Brown did not attend meeting.
1/31/86--Info Request sent. [There is no response to this Request in the file.]

EPA Evidence: Davis testified in a 1/9/85 hearing that materials from Brown were transported to his facility. He believes that the transporter Capuano Brothers (Chemical Control Corporation) brokered the Brown shipment which he remembers as having consisted of a red material in test tubes, possibly blood. Davis also made similar assertions about Brown in his 12/14/83 deposition.

6. Capuano Brothers, Inc.

Address: Capuano Brothers, Inc.
1688 Pontiac Avenue
Cranston, RI 02920

Events: Capuano Brothers has not been noticed or contacted.

EPA Evidence: William Davis testified in the August 18, 1977 hearing that Chemical Control dumped chemicals at the site approximately 15 times per month. On December 14, 1983, Davis testified that 90% of the wastes from Chemical Control were brokered through Anthony Capuano of Capuano Brothers. Davis also stated that Capuano brokered wastes for Proctor & Gamble, the Providence Journal, and Brown University. (Note: Davis testified on December 14, 1983 that Capuano paid Davis with checks under the name of United Sanitation.)

7. Cece Brothers Truck Sales, Inc.

Address: Robert Cece, President
Cece Brothers Truck Sales, Inc.
Plainfield Pike
Cranston, RI 02920

and

Harold I. Kessler, Esq.
Attorney for Cece Brothers Truck Sales
Friedman & Kessler
420 Turks Head Building
Providence, Rhode Island 02903

Events: 11/6/85--Notice letter sent.
11/25/85--EPA sent letter notifying Cece of PRP meeting.
12/4/85--Cece did attend meeting.
1/31/86--Info Request sent.
2/28/86--Cece responded, saying it had only limited connection to the site. Specifically, it had sent one or two deliveries of wax which it maintains are not hazardous.

EPA Evidence: Davis has stated that "Cece & Macera" transported waxes and liquid wastes to the Davis site. (See, e.g., in 12/14/83 deposition, Davis says that Cece and Macera dumped barrels which were half wax and half liquid cleaner or thinner.) Although there is no company by that name, Cece Brothers Truck Sales is corporately entwined with Macera Bros. Container Service, Inc. In Cece's response to the Information Request and in a 9/13/83 deposition of Robert Cece, Cece acknowledges that Macera Bros. Container Service (of which he is vice-president) "had something to do with running" the GSR Landfill, an NPL site also owned by Davis and across the street from the Davis Liquid site. (See p. 6 of deposition.) Cece also acknowledges in the deposition that he did arrange for the dumping of waxes from Pratt & Whitney at the Davis Liquid site.

8. Chemical Control Corporation

Address: None.

Events: Although there is a notice letter in the file dated February 22, 1982, it is not clear whether it was ever sent.

EPA Evidence: Davis has stated in sworn testimony several times that Chemical Control was sending substantial amounts of hazardous waste to the site. Unfortunately, Chemical Control is no longer in existence because of a hazardous waste explosion at its Elizabeth, NJ plant. Its parent corporation Northeast Pollution Control has been bankrupt for several years.

9. CIBA-GEIGY Corporation

Address: Robert A. Naidus, Attorney
Ciba-Geigy Corporation
Saw Mill River Road
Ardsley, NY 10502

Events: 11/6/85--Notice letter sent.
11/13/85--Ciba sent a letter denying any connection to the site.
11/25/85--EPA sent letter notifying Ciba of PRP meeting.
12/4/85--Ciba did attend meeting.
1/31/86--Info Request sent.
3/12/86--Ciba responded, denying that it had sent any waste to the Site.

EPA Evidence: According to William Davis' testimony on January 9, 1985, Davis observed barrels marked "Geigy Chemicals" on site. Davis also stated in a 12/14/83 deposition that he had seen at the site black barrels which contained heavy liquid and were marked Geigy Chemicals.

In a May 2, 1984 deposition of James Crowley, the environmental manager for the Ciba plant in Rhode Island, Mr. Crowley denied that Ciba ever sent waste to the Davis site. However, he acknowledges that Ciba contracted with Capuano Brothers for the disposal of industrial wastes. When asked whether Ciba received back a receipt from Capuano Brothers indicating a final destination of the waste, he responds negatively, although stating that Capuano Brothers told him verbally. There is substantial evidence that Capuano Brothers disposed of some waste at Davis Liquid site. The Capuano Brothers' link to Ciba and the site provides some corroboration

to Davis' testimony. Mr. Crowley also stated that Ciba's barrels are entirely black and labeled "Ciba-Geigy." This is consistent, for the most part, with Davis' testimony.

10. William Davis, Sr.

Address: William Davis, Sr.
P.O. Box 303
Greenville, Rhode Island 02828

cc: Thomas C. Plunkett, Esq.
Kiernan, Currier & Plunkett
91 Friendship Street
Providence, Rhode Island 02903

Events: 3/2/82: Notice letter sent.
2/12/86: Information Requests were sent.
3/25/86: Davis responded to Info Request.

EPA Evidence: Davis and his wife Eleanor Davis jointly own the site and therefore are clearly PRPs. Furthermore, Davis operated the site. His knowledge of the dumping of hazardous wastes at the site is evidenced by the transcript of his testimony before the Rhode Island Superior Court on 8/18/77 and his deposition on 12/14/83.

11. Eleanor Davis

Address: Eleanor Davis
Tarklin Road
Smithfield, Rhode Island 02828

cc: Thomas C. Plunkett, Esq.
Kiernan, Currier & Plunkett
91 Friendship Street
Providence, Rhode Island 02903

Events: 3/2/82: Notice letter sent.
2/12/86: Information Requests were sent.
3/25/86: Eleanor Davis responded to Info Request.

EPA Evidence: Eleanor Davis owns the site jointly with her husband William Davis, Sr. She is therefore a landowner PRP.

12. Dow Chemical Company

Address: P. F. Orefice, President

The Dow Chemical Company
2030 Willard H. Dow Center
Midland, MI 48640

cc: Phillip A. Erickson, Esq.
Environmental Law Section
The Dow Chemical Company
2030 Willard H. Dow Center
Midland, MI 48640

Events: 2/25/86--Notice letter sent.
2/25/86--Info Request sent.
4/30/86--Dow responded to Info Request, denying any
connection to the Site.

EPA Evidence: Drum Investigation Data Sheet. The sheet actually says "Dow Corning." The drum was empty and only 1 ppm volatile organic compounds were detected in the air above the drum.

13. E. I. Du Pont De Nemours & Company

Address: Edward G. Jefferson, Chairman
E. I. Du Pont De Nemours & Company
Wilmington, DE 19898

cc: Carl B. Everett, Esq.
Legal Department
E. I. Du Pont De Nemours & Company
Wilmington, DE 19898

Events: 2/25/86--Notice letter sent.
2/25/86--Info Request sent.
3/25/86--Du Pont responded to Info Request, denying
any connection to the Site.

EPA Evidence: Drum Investigation Data Sheet. The sheet simply says that the drum was labeled "Dupont." The photoionization detection test (HNU Air Monitoring) done above the drum measured 20 ppm volatile organic compounds. The drum was not further analyzed.

14. Exxon Company

Address: Mark L. Manewitz, Counsel
Exxon Company
Post Office Box 222
Linden, New Jersey 07036-0222

Events: 11/6/85--Notice letter sent.
11/20/85--Exxon sent a letter asking for the basis
of the notice letter sent to Exxon.
11/25/85--EPA sent letter notifying Exxon of PRP
meeting.
12/4/85--Exxon did not attend meeting.
1/31/86--Info Request sent.
3/4/86--Exxon responded, denying that it had sent
any waste to the Site.

EPA Evidence: In William Davis, Sr.'s response to EPA's
information request, Davis said that the name Exxon was on some
of the barrels at the site. EPA also found at least one drum on
the site which was labeled "Exxon/PMC 6063/Varsol." The
photoionization detection test done on this drum only found 2 ppm
of volatile organic compounds in the air by the drum. The drum
was not further analyzed.

15. Hennigan Ltd.

Address: Norman Hennigan, President
Hennigan Ltd.
28 Bishop Street
Providence, Rhode Island 02905

Events: 11/18/85--Notice letter sent.
11/25/85--EPA sent letter notifying Hennigan of PRP
meeting.
12/4/85--Hennigan did not attend meeting.
1/31/86--Info Request sent. [There is no response
in the file.]

Note: All notices and letters sent to Hennigan
were returned to EPA, stamped addressee moved.

EPA Evidence: Drum Investigation Data Sheets. A drum was
labeled "Hennigan Engineering Co./NLO 119T." This drum was
analyzed by OH Material Company, an EPA contractor, and was found
to contain 607 ppm benzene and smaller amounts of xylenes,
ethylbenzene, toluene, and tetrachloroethylene.

16. Philip A. Hunt Chemical Corp.

Address: Philip A. Hunt Chemical Corp.
1 Wellington Road
Lincoln, RI

Events: Hunt has not been noticed or contacted by EPA.

EPA Evidence: In his 12/14/83 deposition, Davis says that he definitely remembers seeing barrels labeled "Hunt Chemical" being dumped at the site by Capuano Brothers. (See pp. 10, 21-22.) EPA also found a drum at the site labeled "Phillip A. Hunt Corp., Palisades Park, N.J. 07656/P.F. Etchant/Ferric Chloride Solution."

17. Andre A. Laus

Address: Andre A. Laus, President
105 Pawtucket Avenue
E. Providence, RI 02916

Events: 11/6/85--Notice letter sent.

Note: No response was received to notice letter.
There is no other evidence in the file of any other contact with Mr. Laus.

EPA Evidence: The basis of the noticing of Mr. Laus is unclear from the file. This is being checked on.

18. Macera Brothers Container Service, Inc.

Address: Michael Macera, President
Macera Brothers Container Service, Inc.
Plainfield Pike
Cranston, RI 02920

and

Harold I. Kessler, Esq.
Attorney for Cece Brothers Truck Sales
Friedman & Kessler
420 Turks Head Building
Providence, Rhode Island 02903

Events: 11/6/85--Notice letter sent.

11/25/85--EPA sent letter notifying Macera of PRP meeting.

12/4/85--Macera did attend meeting.

1/31/86--Info Request sent.

2/28/86--Cece responded, saying it had only limited connection to the site. Specifically, it had sent one or two deliveries of wax which it maintains are not hazardous.

EPA Evidence: Macera and Cece Brothers appear to be one and the same corporation, or at least very closely tied to each

other. All the evidence under Cece Brothers, above, applies to Macera as well.

19. Mobil Oil Corporation

Address: John E. Blay, Esq.
Office of General Counsel
Mobil Oil Corporation
150 East 42nd Street
New York, New York 10017-5666

Events: 11/6/85--Notice letter sent.
11/25/85--EPA sent letter notifying Mobil of PRP meeting.
12/4/85--Mobil did attend meeting.
1/31/86--Info Request sent.
4/14/86--Mobil responded, denying that it had sent any waste to the Site.

EPA Evidence: In William Davis, Sr.'s response to EPA's information request, Davis said that the name Mobil Jet Fuel was on some of the barrels at the site. In addition, EPA found two 55 gallon barrels at the site labeled "Mobil/Jet Oil II." EPA designated these drums as Drum ID # 023 and 212. Drum ID # 023 was analyzed by EPA contractor OH Material Company and the drum was found to contain 1,878 ppm of tetrachlorethylene and smaller amounts of xylenes, toluene, trichlorethylene, and 1,1,1-trichlorethylene. The drum also contained 0.29 ppm of free cyanide. Drum ID # 212 was not analyzed, although a photoionization detection test (HNU Air Monitoring) was done on the drum. This test indicated that in the air above the drum there were 400 ppm volatile organic compounds. This strongly suggests that there were volatile organic compounds in the drum itself.

20. Monsanto Company

Address: Brent J. Gilhousen, Esq.
Assistant Environmental Counsel
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167

Events: 11/6/85--Notice letter sent.
11/25/85--EPA sent letter notifying Monsanto of PRP meeting.
12/4/85--Monsanto did not attend meeting.
1/31/86--Info Request sent.

3/5/86--Monsanto responded, denying that it had sent any waste to the Site.

EPA Evidence: In William Davis, Sr.'s response to EPA's information request, Davis said that the name Monsanto was on some of the barrels at the site. In his 12/14/83 deposition, Davis stated that he saw 55 gallon drums which were stamped with the name Monsanto and contained liquids and semi-liquids. (See pp. 19-20.)

21. Octeau Brothers Company

Address: Donald Octeau, President
Octeau Brothers Company
51 Windsor Avenue
Providence, RI 02919

Octeau Bros. Company
P. O. Box 5188
Esmond, RI 02917

Events: 11/6/85--Notice letter sent.
11/25/85--EPA sent letter notifying Octeau of PRP meeting.
12/4/85--Octeau did not attend meeting.
1/31/86--Info Request sent. [There is no response in the file.]

EPA Evidence: In William Davis' answers to the state's interrogatories, he states that Octeau Brothers was one of several Rhode Island companies which sent him "liquid wastes including some sewage." In the 12/14/83 deposition, Davis stated that Octeau Brothers pumped the oil tanks of big factories and then dumped the oil (Bunker C oil) at the site. They would bring tank trucks to the site and then drain the truck at the site. (See pp. 38-39.)

22. Pratt & Whitney

Address: John W. Casey, Esq.
Group Assistant Counsel
Mail Stop 101-12
Pratt & Whitney
United Technologies Corporation
400 Main Street
East Hartford, CT 06108

Events: 9/2/85--Notice letter sent.

9/12/85--Pratt & Whitney responded to the notice letter by stating that P&W became aware of its "alleged involvement" at the site earlier that year, and sent an employee to the site and removed some drummed material. Nevertheless, the letter ends that nothing in the letter should be construed as an admission of any liability.

11/25/85--EPA sent letter notifying P&W of PRP meeting.

12/4/85--P&W did attend meeting.

1/31/86--Info Request sent.

3/26/86--P&W responded, claiming that it could find no records of dumping at the site.

EPA Evidence: There is substantial evidence that P&W's barrels of wax and some liquid, Davis says cleaner and/or thinner, were disposed of at the site. In addition to Davis's statements to that effect in his 12/14/83 deposition and in his response to the Information Request, both Robert Cece and Michael Macera acknowledge that they disposed of P&W barrels of wax at the Davis Liquid site. They say that Jimmy Blinkhorn of Acme Services told them that he had a contract with P&W for disposal of this waste and that he was having trouble finding a place to dispose it. Cece and Macera agreed to dispose of it at Davis Liquid site. (See depositions of Robert Cece and Michael Macera, both dated September 13, 1983.)

23. Procter & Gamble

Address: David E. Ross, Esq.
Legal Division
Procter & Gamble Company
P.O. Box 599
Cincinnati, Ohio 45201-0599

Events: 11/6/85--Notice letter sent.

11/25/85--EPA sent letter notifying P&G of PRP meeting.

12/4/85--P&G did attend meeting.

1/31/86--Info Request sent.

3/5/86--P&G responded, denying that it had sent any waste to the Site.

EPA Evidence: In William Davis, Sr.'s response to EPA's information request, Davis said that some of the wastes came from Procter & Gamble. In his 12/14/83 deposition, Davis stated that a tank truck would come and dump a soap material from P&G. When asked how he knew it was from P&G, Davis said that the driver of the truck told him so. (See pp. 14 and 23.)

24. Providence Journal

Address: Deming E. Sherman, Esq.
Attorney for Providence Journal
Edward & Angell
2700 Hospital Trust
Providence, RI 02903

Events: 11/6/85--Notice letter sent.
11/25/85--EPA sent letter notifying the Journal of
PRP meeting.
12/4/85--The Journal did attend meeting.
1/31/86--Info Request sent.
3/5/86--The Journal responded, denying that it had
sent any waste to the Site.

EPA Evidence: In William Davis, Sr.'s response to EPA's information request, Davis said that some of the wastes came from Providence Journal. In his 12/14/83 deposition, Davis stated that a Capuano Brothers brought in barrels of sludge ink which had "Providence Journal" or "Journal Bulletin" (both are operated by the Providence Journal) written on the side. (See pp. 15-17.)

25. University of Rhode Island

Address: Edward U. Eddy, President
Office of the President
University of Rhode Island
Kingston, Rhode Island 02881-4486

Events: 11/6/85--Notice letter sent.
11/25/85--EPA sent letter notifying URI of
PRP meeting.
12/4/85--URI did not attend meeting.
1/31/86--Info Request sent.
3/4/86--URI responded, denying that it had
sent any waste to the Site.

EPA Evidence: In William Davis, Sr.'s response to EPA's information request, Davis said that he has seen URI labels on some of the waste. In his 12/14/83 deposition, Davis stated that there 55-gallon drums of some kind of liquid. These drums had little bottles, which he speculates may have contained blood. (See pp. 17-20.)